

Floyd E. Ivey
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JAMES S. GORDON, JR., an individual residing in Benton County, Washington,

NO. CV-04-5125-FVS

Plaintiffs

**DECLARATION OF FLOYD
E. IVEY IN SUPPORT OF
DEFENDANT'S REQUEST
FOR TELEPHONIC ORAL
ARGUMENT OF
PLAINTIFF'S MOTION TO
DISMISS**

IM

**IMPULSE MARKETING GROUP, INC.,
a Nevada Corporation,**

Defendants

15 I am counsel for Defendant. I have spoken with Plaintiff's counsel, Mr.
16 McKinley, on several occasions regarding scheduling of Plaintiff's Motion to
17 Dismiss, set for October 12, 2005, for telephonic oral argument rather than oral
18 argument by personal appearance of counsel. Counsel for Plaintiff prefers
19 personal appearance of attorneys for oral argument. Defendant has requested, in a
20 motion, that telephonic oral argument be scheduled.

21 I certify and declare, under penalty of perjury under the laws of the State of
22 Washington, that the foregoing is true and correct.

DATED this 13th day of September, 2005.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

By /s/ FLOYD E. IVEY

FLOYD E. IVEY, WSBA #6888
Local Counsel for Defendant

Declaration of Floyd E. Ivey in Support of Defendant's Request for Telephonic Oral Argument of Plaintiff's Motion to Dismiss - 1.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE
Attorneys at Law
P.O. Box 6125
Kennewick, Washington 99336-0125
(509) 735-3581

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2 I hereby certify that on September 13, 2005, I electronically filed
3 **Declaration of Floyd E. Ivey in Support of Defendant's Request for**
4 **Telephonic Oral Argument of Plaintiff's Motion to Dismiss** with the Clerk of
the Court using the CM/ECF System which will send notification of such filing to
Douglas E. McKinley, Jr., Peter J. Glantz and Sean A. Moynihan.

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